

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

COMPETITIVE PRODUCT LIST  
ADDING ROUND-TRIP MAILER

Docket No. MC2013-57

COMPETITIVE PRODUCT LIST  
ADDING ROUND-TRIP MAILER

Docket No. CP2013-75

**UNITED STATES POSTAL SERVICE MOTION SEEKING  
ESTABLISHMENT OF RESPONSE PERIOD FOR COMMENTS**  
(February 25, 2014)

The United States Postal Service hereby files this motion in support of the Motion of GameFly, Inc. for Opportunity to Comment on Responses to Chairman's Information Request.<sup>1</sup>

On December 18, 2013, the Postal Regulatory Commission published three Information Requests seeking data from Netflix and GameFly concerning their mailing volumes, revenue, alternate distribution methods, and other related issues.<sup>2</sup> Responses were required no later than January 17, 2014. Netflix submitted responses to the information requests on January 16, 2014.<sup>3</sup> GameFly submitted responses on January 17, 2014.<sup>4</sup> The Postal Service also submitted a response to relevant portions of the CHIR.<sup>5</sup> In addition to its answers, GameFly requested that the Commission

<sup>1</sup> Motion of Gamefly, Inc. for Opportunity to Comment on Responses to Chairman's Information Request, (December 24, 2013). <http://prc.gov/Docs/88/88637/13-12-24%20GameFly%20motion.pdf>

<sup>2</sup> Chairman's Information Request #1, #2, and #3 (December 23, 2013).

<http://prc.gov/Docs/88/88572/CHIR%20No%20%201.pdf>,

<http://prc.gov/Docs/88/88573/CHIR%20No%20%202.pdf>,

<http://prc.gov/Docs/88/88574/CHIR%20No%20%203.pdf>

<sup>3</sup> Response of Netflix, Inc., to CHIR 1-3, (January 16, 2014).

<http://prc.gov/Docs/88/88948/Netflix%20Response%20to%20CHIR%203-PUBLIC.pdf>

<sup>4</sup> Response of Gamefly, Inc. to CHIR 1-3, (January 17, 2014).

<http://prc.gov/Docs/88/88970/GFL%20resp%20CHIR%202%20PUBLIC.pdf>

<sup>5</sup> Response of the United States Postal Service to CHIR 1 (January 17, 2014).

[http://prc.gov/Docs/88/88977/Response%20to%20CHIR1%20\(FINAL\).pdf](http://prc.gov/Docs/88/88977/Response%20to%20CHIR1%20(FINAL).pdf)

schedule an opportunity for parties to comment on the answers.<sup>6</sup> The Postal Service supports GameFly's motion, for many of the same reasons listed by GameFly.

The answers provided by parties Netflix and GameFly contain important information regarding the situation of those two companies and the status of the market for games and entertainment as a whole. Importantly, the information provided in response to the Commission's inquiries regarding the substitutability of digitized entertainment content delivered through the mail and through other channels does not accurately reflect the state of the market as evidenced by information provided publicly by other providers of digitized entertainment content. A comment period would allow the parties to interpret and explain the information provided in response to the CHIR, and how it relates to the case as a whole.

GameFly's motion also proposed a timetable for these responses:

Filing	Due Date
Motions under 39 C.F.R. § 3007.40 for access to nonpublic material filed on January 17, 2014.	January 24, 2014
Comments responding to material filed by other parties on January 17, 2014	30 days after commenting parties gain access to nonpublic material

The Commission approved access for parties in its order from February 5, 2014,<sup>7</sup> which would have initiated the comment period according to the timetable proposed by GameFly. If this timetable were still followed, responses would be due on Friday, March 7, 2014. Because the Commission has not ruled on GameFly's motion, the Postal Service proposes that the Commission set the deadline for comments at two weeks from the date of the Commission's order addressing GameFly's motion.

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<sup>6</sup> Motion of Gamefly, Inc. for Opportunity to Comment on Responses to Chairman's Information Request, (December 24, 2013). <http://prc.gov/Docs/88/88637/13-12-24%20GameFly%20motion.pdf>

<sup>7</sup> PRC Order No. 1894, Order Granting Request for Access (February 5, 2014). [http://prc.gov/Docs/89/89115/Order\\_1984.pdf](http://prc.gov/Docs/89/89115/Order_1984.pdf)

Additionally, the Postal Regulatory Commission could allow for reply comments, if the Commission finds that necessary. If so, the Postal Service would propose a period of one week for reply comments.

For the above-stated reasons, the Postal Service requests that the Commission institute a two-week period for parties to comment on the CHIR submissions.

Respectfully submitted,

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